

**US District Court Electronic Case Filing System
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:18-cv-00723-RJS-EJF**

National Public Radio et al v. United States Department of
Labor et al
Assigned to: Judge Robert J. Shelby
Referred to: Magistrate Judge Evelyn J. Furse
Cause: 05:0552 Freedom of Information Act

Date Filed: 09/13/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

National Public Radio

represented by **David Jeremy Bodney**
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Plaintiff

Howard Berkes

represented by **David Jeremy Bodney**
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Mark R. Gaylord
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Matthew E. Kelley
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V.

Defendant

United States Department of Labor

represented by **Amanda A. Berndt**
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Defendant**Mine Safety and Health Administration**

represented by **Amanda A. Berndt**
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| Date Filed | # | Docket Text |
|------------|----------|---|
| 09/13/2018 | <u>1</u> | Case has been indexed and assigned to Judge Robert J. Shelby. Plaintiffs Howard Berkes, National Public Radio is directed to E-File the <u>Complaint and cover sheet</u> (found under Complaints and Other Initiating Documents) and pay the filing fee of \$ 400.00 by the end of the business day. NOTE: The court will not have jurisdiction until the opening document is electronically filed and the filing fee paid in the CM/ECF system. Civil Summons may be issued electronically. Prepare the summons using the courts <u>PDF version</u> and email it to utdecf_clerk@utd.uscourts.gov for issuance. (tlh) (Entered: 09/13/2018) |
| 09/13/2018 | <u>2</u> | COMPLAINT against Mine Safety and Health Administration, United States Department of Labor (Filing fee \$ 400, receipt number 1088-3102544) filed by National Public Radio, Howard Berkes. (Attachments: # <u>1</u> Exhibit 1 – Request A, # <u>2</u> Exhibit 2 – Charboneau Letter, # <u>3</u> Exhibit 3 – Administrative Appeal, # <u>4</u> Exhibit 4 – Request B, # <u>5</u> Exhibit 5 – Hafeez Letter, # <u>6</u> Exhibit 6 – Second Administrative Appeal, # <u>7</u> Civil Cover Sheet for New Case) Assigned to Judge Robert J. Shelby (Gaylord, Mark) (Entered: 09/13/2018) |
| 09/13/2018 | <u>3</u> | **RESTRICTED DOCUMENT** Summons Issued Electronically as to United States Department of Labor. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (tlh) (Entered: 09/13/2018) |
| 09/13/2018 | <u>4</u> | **RESTRICTED DOCUMENT** Summons Issued Electronically as to Mine Safety and Health Administration. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (tlh) (Entered: 09/13/2018) |
| 09/13/2018 | <u>5</u> | NOTICE OF REQUIREMENTS for appearance phv mailed to attorney David J. Bodney, for Plaintiffs Howard Berkes and National Public Radio. (tlh) (Entered: 09/13/2018) |
| 09/14/2018 | <u>6</u> | **RESTRICTED DOCUMENT** Summons Issued Electronically as to Mine Safety and Health Administration. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (nl) (Entered: 09/14/2018) |
| 09/14/2018 | <u>7</u> | **RESTRICTED DOCUMENT** Summons Issued Electronically as to United States Department of Labor. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (nl) (Entered: 09/14/2018) |
| 09/14/2018 | | ANSWER DEADLINE UPDATED for Mine Safety and Health Administration answer due 10/14/2018 per <u>12</u> Return of Service; United States Department of Labor |

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| | | answer due 10/14/2018 per <u>13</u> Return of Service. (rks) (Entered: 09/21/2018) |
| 09/19/2018 | <u>8</u> | MOTION for Admission Pro Hac Vice of David Jeremy Bodney , Registration fee \$ 250, receipt number 1088-3106721, filed by Plaintiffs Howard Berkes, National Public Radio. (Attachments: # <u>1</u> Exhibit A – Application for Pro Hac Vice Admission, # <u>2</u> Exhibit B – CM/ECF Form, # <u>3</u> Text of Proposed Order Granting Pro Hac Vice Admission)(Gaylord, Mark) (Entered: 09/19/2018) |
| 09/19/2018 | <u>9</u> | MOTION for Admission Pro Hac Vice of Matthew E. Kelley , Registration fee \$ 250, receipt number 1088-3106749, filed by Plaintiffs Howard Berkes, National Public Radio. (Attachments: # <u>1</u> Exhibit A – Application for Pro Hac Vice Admission, # <u>2</u> Exhibit B – CM/ECF Form, # <u>3</u> Text of Proposed Order Granting Motion for Pro Hac Vice Admission)(Gaylord, Mark) (Entered: 09/19/2018) |
| 09/19/2018 | <u>10</u> | ORDER granting <u>8</u> Motion for Admission Pro Hac Vice of David Jeremy Bodney for Howard Berkes,David Jeremy Bodney for National Public Radio. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov</i> Signed by Judge Robert J. Shelby on 9/19/18. (dla) (Entered: 09/19/2018) |
| 09/19/2018 | <u>11</u> | ORDER granting <u>9</u> Motion for Admission Pro Hac Vice of Matthew E. Kelley for Howard Berkes,Matthew E. Kelley for National Public Radio. <i>Attorneys admitted Pro Hac Vice may download a copy of the District of Utahs local rules from the courts web site at http://www.utd.uscourts.gov</i> Signed by Judge Robert J. Shelby on 9/19/18. (dla) (Entered: 09/19/2018) |
| 09/20/2018 | <u>12</u> | **RESTRICTED DOCUMENT** RETURN OF SERVICE Executed for Complaint served on Mine Safety and Heath Administration c/o US Attorney John Huber on 09/14/2018, filed by Plaintiffs Howard Berkes, National Public Radio. (Gaylord, Mark) (Entered: 09/20/2018) |
| 09/20/2018 | <u>13</u> | **RESTRICTED DOCUMENT** RETURN OF SERVICE Executed for Complaint served on US Department of Labor c/o US Attorney John Huber on 09/14/2018, filed by Plaintiffs Howard Berkes, National Public Radio. (Gaylord, Mark) (Entered: 09/20/2018) |
| 10/01/2018 | <u>14</u> | ORDER REFERRING CASE to Magistrate Judge Evelyn J. Furse under 28:636 (b)(1)(A), Magistrate to hear and determine all nondispositive pretrial matters. No attached document. Signed by Judge Robert J. Shelby on 10/1/2018. (mjm) (Entered: 10/01/2018) |
| 10/13/2018 | <u>15</u> | Stipulated MOTION for Extension of Time to File Answer re <u>2</u> Complaint,, and Memorandum in Support filed by Defendants Mine Safety and Health Administration, United States Department of Labor. Motions referred to Evelyn J. Furse. Attorney Amanda A. Berndt added to party Mine Safety and Health Administration(pty:dft), Attorney Amanda A. Berndt added to party United States Department of Labor(pty:dft)(Berndt, Amanda) (Entered: 10/13/2018) |
| 10/15/2018 | <u>16</u> | ORDER granting <u>15</u> Motion for Extension of Time to Answer re <u>2</u> Complaint. Answer deadline updated for Mine Safety and Health Administration answer due 11/5/2018; United States Department of Labor answer due 11/5/2018. Signed by Judge Robert J. Shelby on 10/15/2018. (las) (Entered: 10/15/2018) |
| 10/22/2018 | <u>17</u> | ORDER TO PROPOSE SCHEDULE – Plaintiff must propose a schedule to defendant in the form of a draft Attorney Planning Meeting Report within the earlier of fourteen (14) days after any defendant has appeared or twenty-eight (28) days after any defendant has been served with the complaint. See order for additional instructions. Signed by Magistrate Judge Evelyn J. Furse on 10/22/18. (dla) (Entered: 10/22/2018) |
| 11/02/2018 | <u>18</u> | Stipulated MOTION for Extension of Time to File Answer re <u>2</u> Complaint,, and Memorandum in Support filed by Defendants Mine Safety and Health Administration, United States Department of Labor. Motions referred to Evelyn J. Furse.(Berndt, Amanda) (Entered: 11/02/2018) |
| 11/05/2018 | <u>19</u> | DOCKET TEXT ORDER GRANTING <u>18</u> Motion for Extension of Time to Answer. For good cause appearing, the Court extends the deadline for Defendants Mine Safety and Health Administration and United States Department of Labor to answer or otherwise respond to the Complaint. Answer deadline updated for Mine Safety and |

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| | | Health Administration answer due 12/5/2018; United States Department of Labor answer due 12/5/2018. Signed by Magistrate Judge Evelyn J. Furse on 11/5/2018. No attached document. (nas) (Entered: 11/05/2018) |
| 12/04/2018 | <u>20</u> | Stipulated MOTION for Extension of Time to File Answer and Memorandum in Support filed by Defendants Mine Safety and Health Administration, United States Department of Labor. Motions referred to Evelyn J. Furse.(Berndt, Amanda) (Entered: 12/04/2018) |
| 12/04/2018 | 21 | DOCKET TEXT ORDER GRANTING <u>20</u> Motion for Extension of Time to Answer. For good cause appearing, the Court extends the deadline for Defendants Mine Safety and Health Administration and United States Department of Labor to answer or otherwise respond to the Complaint. Answer deadline updated for Mine Safety and Health Administration answer due 12/19/2018; United States Department of Labor answer due 12/19/2018. Signed by Magistrate Judge Evelyn J. Furse on 12/4/2018. No attached document. (nas) (Entered: 12/04/2018) |